

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTIEU BURKS,

*Plaintiff,*

9:16-CV-759

-against-

FJS/DEP

CORRECTION OFFICER CHAD STICKNEY;  
CORRECTION OFFICER NOLAN; CORRECTION  
OFFICER SMITH; CORRECTION OFFICER EDWARD  
L. PEPPER; SERGEANT JOHN MARK CROSS;  
CORRECTION OFFICER DAVID J. CHAMBERLAIN;  
CORRECTION OFFICER JOSHUA R. WOOD; JOHN  
DOE "E" BLOCK SERGEANT; SUPINTENDENT  
STEVEN RACETTE, SUPERINTENDENT MICHAEL  
KIRKPATRICK, JOHN DOE SUPERVISOR IN CHARGE  
OF SECURITY #1, JOHN DOE CORRECTION  
OFFICERS ##1-25,

*Defendants.*

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**EXHIBIT H**  
**To the Declaration of Denise Buckley**

## Denise Buckley

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**From:** Denise Buckley  
**Sent:** Friday, September 08, 2017 4:45 PM  
**To:** 'Leo Glickman'  
**Subject:** RE: Burks v stickney

Leo,

I am waiting to hear back from you to my e-mail below about rescheduling the deposition of Superintendent Kirkpatrick. Please let me know if Sept 22<sup>nd</sup> at 1pm here in Albany works for you. If not, please suggest some alternative dates.

Superintendent Racette is no longer available to appear on Oct 5<sup>th</sup>. He is available to appear on Oct 11<sup>th</sup> at 11 am. As discussed, he will appear by video link up from the OAG Regional Office in Plattsburgh. Please let me know if that works for you. As previously discussed, he has very limited availability in October.

Best regards,

### Denise Buckley | Assistant Attorney General

Litigation Bureau  
NYS Office of the Attorney General  
State Capitol | Albany, NY 12224  
Tel: (518) 776-2294 | Fax: (518) 915-7738 | [denise.buckley@ag.ny.gov](mailto:denise.buckley@ag.ny.gov)

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**From:** Denise Buckley  
**Sent:** Wednesday, August 23, 2017 2:54 PM  
**To:** 'Leo Glickman' <[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)>  
**Subject:** RE: Burks v stickney

Leo,

Superintendent Kirkpatrick has a scheduling conflict and needs to reschedule his deposition. He is available to appear on Sept 22<sup>nd</sup> at 1pm here in Albany. Please let me know if that works for you.

Best regards,

### Denise Buckley | Assistant Attorney General

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**From:** Denise Buckley  
**Sent:** Friday, August 04, 2017 3:52 PM  
**To:** 'Leo Glickman' <[lglickman@stollglickman.com](mailto:lglickman@stollglickman.com)>  
**Subject:** RE: Burks v stickney

Leo,

You indicated in the letter you sent me yesterday evening that you are available the week of Sept 18<sup>th</sup> for Superintendent Kirkpatrick's deposition. We will produce him for deposition on Sept 20<sup>th</sup> at 1pm here in Albany. I presume you want to use 90 State Street again, but please confirm.

Best regards,

**Denise Buckley | Assistant Attorney General**

Litigation Bureau

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State Capitol | Albany, NY 12224

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**From:** Leo Glickman [<mailto:lglickman@stollglickman.com>]

**Sent:** Thursday, August 03, 2017 6:08 PM

**To:** Denise Buckley <[Denise.Buckley@ag.ny.gov](mailto:Denise.Buckley@ag.ny.gov)>

**Subject:** Burks v stickney

See attached letter.

Leo Glickman

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